

B1
6 storing data representing each of said plurality of pixel groups,
7 respectively, in a row of a plurality of non-adjoining arrays in the memory circuit.

B2
1 22. (Amended) The method of claim 21 wherein the data representing
2 each of said plurality of pixel groups is respectively stored in the same row of the
3 plurality of non-adjoining arrays.

IN THE DRAWINGS:

Submitted herewith are three replacement drawing sheets, substantially identical to the drawing sheets originally filed in the present application. Also submitted herewith is one amended drawing sheet on which proposed amendments to Fig. 1 have been indicated in red ink. It is respectfully submitted that no new matter has been added.

REMARKS

Upon entry of this amendment, which amends claims 20 and 22, claims 20-25 remain pending. Claims 20-25 were rejected on the grounds of statutory (same-invention-type) double patenting under 35 U.S.C. §101, as claiming the same invention as Applicant's U.S. Patent No. 6,031,783. Reconsideration of the rejected claims in view of the following remarks is respectfully requested.

Attached hereto is a "Version with Markings to Show Changes Made," indicating the changes that were made in the specification and claims.

Amendments to the Claims

Claims 20 and 22 have been amended to correct typographical errors discovered therein, thereby addressing the Examiner's objection. Applicant notes that these corrections are not intended to affect the scope of the claims.

Replacement Drawing Sheets

The Office Action stated that "[t]he subject matter of this application admits of illustration by a drawing" and that "Applicant is required to furnish a drawing." Upon consultation with the Examiner, it was determined that this requirement was made because the drawings for the present application were not found in the application file. To replace the missing drawings, three drawing sheets are submitted herewith.

It should be noted for the record that these drawing sheets are copies of drawing sheets that were properly filed with the present application on November 12, 1999. In support of this assertion, Applicant has enclosed herewith copies of the transmittal letter, the return postcard (as sent with the application), and the Patent and Trademark Office (PTO) filing receipt for the present application. The transmittal letter and postcard indicate that three sheets of drawings were included in the application papers filed on November 12, 1999. The filing receipt indicates that three sheets of drawings were received by the PTO. From these documents, it appears that the absence of the drawings from the application file at the time of examination resulted from clerical error at the PTO and not from Applicant's failure to include drawings in the application as filed. Accordingly, it should be noted for the record that the present application's filing date of November 12, 1999, was properly granted and is not affected by subsequent events, including Applicant's submission of replacement copies of the drawing sheets upon learning that the originally filed drawing sheets were missing from the file.

It should also be noted for the record that the present application incorporates by reference the disclosures of its parent applications (i.e., Application No. 09/179,260, now U.S. Patent No. 6,031,783, and Application No. 08/884,845, now U.S. Patent No. 6,026,044). The drawing sheets submitted herewith are substantially identical to the drawings that form part of the respective disclosures of the parent applications. Therefore, the drawings are also properly regarded as part of the original disclosure of the present application through incorporation by reference and do not constitute new matter.

Amendments to the Drawings

Applicant submits herewith one amended drawing sheet indicating in red ink proposed amendments to Fig. 1. The proposed amendment adds the legend “(Prior Art)” to address the Examiner’s objection. It is respectfully submitted that this proposed change does not add new matter.

Double Patenting Rejection of Claims 20-25

Claims 20-25 were rejected on the grounds of statutory (same-invention-type) double patenting under 35 U.S.C. §101, as claiming the same invention as Applicant’s U.S. Patent No. 6,031,783 (“the ’783 patent”). Specifically, the rejection stated that claim 20 of the present application claims the same invention as claim 2 of the ’783 patent, application claim 21 claims the same invention as patent claim 10, and application claims 22-25 claim the same invention as patent claim 5. Applicant respectfully traverses.

A statutory double patenting rejection is inappropriate where “a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent.” MPEP §804.II.A (citing *In re Vogel*, 422 F.2d 438 (CCPA 1970)). In the present case, the application claims are method claims, whereas the claims in the ’783 patent are apparatus claims. If the method claimed in the application can be practiced using an apparatus other than the apparatus claimed in the patent, then it is possible to literally infringe the claims in the application without literally infringing the claims in the patent, and a statutory double-patenting rejection is improper.

With regard to application claim 20, Applicant respectfully submits that the claimed method can be practiced using an apparatus that would not literally infringe claim 2 of the ’783 patent. Application claim 20 recites a method for storing data in a memory circuit of a video data processing apparatus. The method includes steps of segmenting image data into pixel groups and “storing data ... in a row of a plurality of non-adjointing arrays in the memory circuit.” It is apparent from the claim language that this method can be performed using *any* video data processing apparatus, as long as the

apparatus has a memory circuit with a plurality of arrays so that the step of storing data in non-adjoining arrays can be carried out.

While an apparatus that literally infringes '783 patent claim 2 could be used to practice the method of application claim 20, Applicant respectfully submits that other apparatus, which would not literally infringe patent claim 2, could also be used. For instance, since patent claim 2 depends from patent claim 1, the memory circuit of a video chip that literally infringes patent claim 2 would include — in addition to a plurality of arrays — “a plurality of array enable logic blocks ... configured to activate a selected array [in] response to a row access command, and to keep the selected array active until it receives a subsequent row access command accessing a different row in that array, or a row in an adjacent array sharing a cluster of sense amplifiers” A video chip whose memory circuit had a very different array enable logic may not literally infringe patent claim 2, but it could still be used to practice a method that literally infringes application method claim 20. Therefore, the two claims do not recite the same invention, and the statutory double-patenting rejection of claim 20 is inappropriate.

With regard to each of claims 21-25, Applicant respectfully submits that similar reasoning applies. In each case, the application claim recites a method that may be performed in any video display apparatus, as long as the apparatus has a memory circuit that includes a plurality of arrays. As discussed above, this includes devices that literally infringe patent claim 2, as well as devices that do not. Since patent claims 5 and 10 depend from patent claim 2, it follows that the method of each of application claims 21-25 could be practiced without infringing the apparatus claims of the patent. Under these circumstances, Applicant respectfully submits that the statutory double patenting rejection of claims 21-25 is inappropriate.

Withdrawal of the rejection of claims 20-25 is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Babak S. Sani', with a long horizontal flourish extending to the right.

Babak S. Sani
Reg. No. 37,495

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
BSS:lo
SF 1325602 v1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1 20. (Amended) In a video data processing apparatus including a
2 controller coupled to a memory circuit that has a plurality of arrays, a method for storing
3 video data in the memory circuit comprising the steps of:
4 segmenting a plurality of pixels representing one horizontal line of an
5 image display panel into a plurality of pixel groups; and
6 storing data representing each of said plurality of pixel groups,
7 respectively, in a row of a [purality] plurality of non-adjoining arrays in the memory
8 circuit.

1 22. (Amended) The method of claim 21 wherein the data representing
2 each of said plurality of pixel groups is [respectivley] respectively stored in the same row
3 of the [purality] plurality of non-adjoining arrays.